

Appl. No. : 10/658,093  
Filed : September 9, 2003

### REMARKS

Claims 1-106 are pending in this application. Claims 1-22, 29, 43, 59-67, 69-84 and 103-106 have been withdrawn from consideration as being drawn to a non-elected invention. Claims 26, 45 and 101 have been cancelled, claims 23, 93 and 94 have been amended and new claims 107-145 have been added. The changes made to the Claims by the current amendment, including ~~deletions~~ and additions, are shown herein with deletions designated with a strikethrough and additions underlined. The amended and newly added claims do not include new matter as explained below.

Claim 23 has been amended to introduce the limitation of claim 26 that the polypeptide has an intracellular half-life of less than about 3 hours.

Claims 93 and 94 have been amended to introduce the feature of claim 101 that the vector comprises an origin of replication.

New claims 107, 108, 109, 110, 111-123, 124, 125-137 and 138-145 are based on original claims 24, 25, 27, 28, 30-42, 44, 46-58 and 85-92, respectively.

From the foregoing, Applicant respectfully asserts that the amendments made herein are fully supported by the specification and do not include new matter.

### Objections

The Examiner objects to claims 26, 37, 58, 98, 100 and 101 as being dependent upon a rejected base claim. However, the Examiner has indicated that these claims would be allowable if re-written in independent form including all of the limitations of the base claim and any intervening claims. In order to expedite favorable prosecution, Applicant has amended claim 23 to include the limitation of claim 26, as well as claims 93 and 94 to include the limitation of claim 101. The remaining claims (*i.e.*, claims 24, 25, 27, 28, 30-42, 44, 46-59, 95-100 and 102) depend either directly or indirectly from amended independent claims 23, 93 or 94, and would thus be allowable for the same reasons as those independent claims.

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**Rejection of Claims Under 35 U.S.C. § 103(a)**

The Examiner rejects claims 23-25, 27, 28, 30-36, 39, 40-42, 44, 46-48, 50-57, 85-97, 99 and 102 as being allegedly unpatentable over Lorens *et al.* (US 2004/0002056) in view of Shyu *et al.* or Giordano *et al.* Claim 49 was rejected as being allegedly unpatentable over Lorens *et al.* (US 2004/0002056) in view of Shyu *et al.* or Giordano *et al.* in view of Primig *et al.* Claim 38 was rejected as being allegedly unpatentable over Lorens *et al.* (US 2004/0002056) in view of Shyu *et al.* or Giordano *et al.* in view of Svensson and Akusjarvi, *et al.*

While Applicants do not agree with the Examiner's arguments with respect to the obviousness of the Claims, the arguments are moot in view of the fact that the claims have been amended to include the limitation of claim 26, and Claims 93 and 94 were amended to include the limitation of claim 101. The remaining claims (*i.e.*, claims 24, 25, 27, 28, 30-42, 44, 46-59, 95-100 and 102) depend either directly or indirectly from amended independent claims 23, 93 or 94. The Examiner indicated that claims 26, 37, 58, 98, 100 and 101 would be allowable if re-written in independent form including all of the limitations of the base claim and any intervening claims. Thus, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103(a).

**Allowable Claim**

The Examiner has allowed claim 68. Accordingly, Applicant has taken the opportunity to depend from this claim, new claims 107-145, which correspond to pending claims 24, 25, 27, 28, 30-42, 44, 46-58 and 85-92. These newly added claims recite all of the limitations of claim 68 and would thus be allowable for the same reasons as claim 68.

**Conclusion**

From the foregoing, Applicant respectfully submits that the rejections and objections in the final Office Action have been rendered moot by the amendment to the claims and looks

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forward to the issuance of a Notice of Allowance in due course. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated:

June 14, 2005

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